

SENATE BILL No. 376

DIGEST OF INTRODUCED BILL

Citations Affected: IC 13-11-2-24.2; IC 13-13-3-4; IC 13-14-1-9.5; IC 13-15-4-8.

Synopsis: IDEM powers and permit decision deadlines. Requires an employee of the department of environmental management (IDEM) to successfully complete an educational program offered by the Solid Waste Association of North America concerning a certain subject if the duties of the employee relate to permits or registrations involving that subject. Provides that IDEM has no powers other than those explicitly granted by, and shall exercise its powers in strict compliance with, statutory law and the rules of the environmental rules board. Prohibits IDEM, in issuing and enforcing a permit, from imposing requirements or standards more burdensome than the requirements and standards expressly provided for in statutory law and the rules of the environmental rules board. Prohibits IDEM from unilaterally observing any sort of interruption in the running of the period allowed by law for the approval or denial of a permit application, and provides that the period may be extended only with the written consent of the applicant.

Effective: July 1, 2014.

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January 14, 2014, read first time and referred to Committee on Environmental Affairs.



Second Regular Session 118th General Assembly (2014)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

SENATE BILL No. 376

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 13-11-2-24.2 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2014]: **Sec. 24.2. "Certification", for**
4 **purposes of IC 13-13-3-4, has the meaning set forth in**
5 **IC 13-13-3-4(a).**

6 SECTION 2. IC 13-13-3-4 IS ADDED TO THE INDIANA CODE
7 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
8 1, 2014]: **Sec. 4. (a) As used in this section, "certification" means a**
9 **certification that is awarded by the Solid Waste Association of**
10 **North America upon the successful completion of an educational**
11 **program in:**

- 12 (1) **advanced leachate management and bioreactor landfills;**
13 (2) **composting programs;**
14 (3) **construction and demolition management;**
15 (4) **household hazardous waste and conditionally exempt**
16 **small quantity generator collection facility operations;**



(5) integrated solid waste systems management;

(6) landfill operations;

(7) recycling systems;

(8) solid waste collection systems; or

(9) transfer stations;

that an individual described in subsection (b) is approved by the state board of accounts to attend.

(b) If the duties of an individual who is:

(1) employed by the department; or

(2) employed by a contractor to provide services to or on behalf of the department;

relate to permits or registrations involving one (1) of the disciplines set forth in subsection (a)(1) through (a)(9), the individual must attain certification in that discipline.

(c) An individual described in subsection (b) who is:

(1) employed by the department; or

(2) employed by a contractor to provide services to or on behalf of the department;

on July 1, 2014, must attain certification under subsection (b) before January 1, 2015.

(d) An individual described in subsection (b) who is first:

(1) employed by the department; or

(2) employed by a contractor to provide services to or on behalf of the department;

after December 31, 2014, may not assume the individual's duties that relate to permits or registrations involving one (1) of the disciplines set forth in subsection (a)(1) through (a)(9) until the individual attains certification in that discipline.

SECTION 3. IC 13-14-1-9.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 9.5. (a) The commissioner and the department:

(1) have no powers other than those explicitly granted by:

(A) this title;

(B) other statutes; and

(C) rules of the board; and

(2) shall exercise their powers in strict compliance with:

(A) this title;

(B) other statutes; and

(C) rules of the board.

(b) In issuing and enforcing a permit, a license, or any other type of authorization, the commissioner and the department may not impose requirements or standards more burdensome than the



requirements and standards expressly provided for in:

- (1) this title;
- (2) other statutes; and
- (3) rules of the board.

SECTION 4. IC 13-15-4-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. (a) The commissioner and an applicant may agree in writing to extend any time allowed under sections 1 through 6 of this chapter for a decision to be made on an application. **However:**

- (1) the commissioner and the department are prohibited from unilaterally declaring or observing any sort of interruption in the running of the period allowed for the approval or denial of a permit application under sections 1 through 6 of this chapter; and
- (2) neither the commissioner nor the department may extend the time allowed under sections 1 through 6 of this chapter for the approval or denial of a permit application without the express written consent of the applicant.

(b) The commissioner and an applicant may agree in writing to have a consultant review an application submitted to the department:

- (1) to expedite the process of reviewing the application; and
- (2) at the applicant's expense.

